

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of: ) Group Art Unit: 3937  
EASTER et al. )  
Serial No.: 10/549,686 )  
Filing Date: March 22, 2004 )      REQUEST FOR STATUS OF  
Priority Date: March 20, 2003 )      CORRECTED FILING RECEIPT  
Confirmation No.: 1119 )  
Atty. File No.: 45568-00542 )  
For: "APPARATUS AND METHOD FOR )  
OSSICULAR FIXATION OF )  
IMPLANTABLE HEARING AID )  
ACTUATOR" )

**MAIL STOP MISSING PARTS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir or Madam:

On January 24, 2007, a Request for Correction of Filing Receipt was mailed to the U.S. Patent and Trademark in connection with the above-identified application (copy enclosed). To date, we have not received a corrected filing receipt. Applicant respectfully requests a corrected filing receipt with regard to the above-identified application at your earliest convenience.

Respectfully submitted,

MARSH FISCHMANN & BREYFOGLE LLP

By: 

Thomas R. Marsh, Esq.  
Registration No. 31,039  
3151 South Vaughn Way, Suite 411  
Aurora, Colorado 80014  
Telephone: 303-338-0997  
Facsimile: 303-338-1514

Date: 4/24/07

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

Group Art Unit: 3937

EASTER *et al.*

Examiner: Not Yet Assigned

Serial No.: 10/549,686

REQUEST FOR CORRECTION OF  
FILING RECEIPT

Filing Date: March 22, 2004

Priority Date: March 20, 2003

Confirmation No.: 1119

Atty. File No.: 45568-00542

For: "APPARATUS AND METHOD  
FOR OSSICULAR FIXATION OF IMPLANTABLE  
HEARING AID ACTUATOR"

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE  
UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO  
COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 ON  
JANUARY 24, 2007.

MARSH FISCHMANN & BREYFOGLE LLP

  
Terese L. Marshall

**MAIL STOP MISSING PARTS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir or Madam:

The official Filing Receipt for the above-identified patent application contains the following clerical errors:

1. "Domestic Priority data as claimed by applicant" should read as follows pursuant to the Preliminary Amendment submitted September 16, 2005 as part of the application:

"This application is a 371 of PCT/US04/08620 03/22/2004, which claims priority from 10/394,499 03/20/2003, which is a CIP of 09/991,398 11/20/2001 (now U.S. Patent No. 6,705,985), and a CIP of 10/351,699 01/01/2003, and a CIP of 10/351,682 01/27/2003, which claims the priority benefit of 60/326,124 09/28/2001."

2. "United States of America 10/394499 03/20/2003" should be removed from "Foreign Applications".

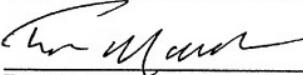
Please correct the Filing Receipt to reflect the above corrections.

For your reference, a copy of the Filing Receipt is enclosed, with the corrections indicated in red. Also enclosed is a copy of the First Preliminary Amendment. Please issue a corrected Filing Receipt for this patent application.

Respectfully submitted,

MARSH FISCHMANN & BREYFOGLE LLP

By:

  
Thomas R. Marsh  
Registration No. 31,039  
3151 South Vaughn Way, Suite 411  
Aurora, Colorado 80014  
Telephone: (303) 338-0997  
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Date: January 23, 2007



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE RECD	ATTY/DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS	
10/549,686	10/03/2006	3937	440	45568-00542		10	23	3

## CONFIRMATION NO. 1119

25231  
 MARSH, FISCHMANN & BREYFOGLE LLP  
 3151 SOUTH VAUGHN WAY  
 SUITE 411  
 AURORA, CO 80014

## FILING RECEIPT

\*OC000000021214757\*

Date Mailed: 11/15/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

James Roy Easter, Lyons, CO;  
 James Frank Kasic II, Boulder, CO;  
 Jose H. Bedoya, Boulder, CO;  
 Robert Edwin Schneider, Erie, CO;

Power of Attorney: The patent practitioners associated with Customer Number 25231.

## Domestic Priority data as claimed by applicant

This application is a 371 of PCT/US04/08620 03/22/2004

*Please see attached*

## Foreign Applications

UNITED STATES OF AMERICA 10/394,499 03/20/2003

If Required, Foreign Filing License Granted: 11/13/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/549,686

Projected Publication Date: 02/22/2007

Non-Publication Request: No

"This application is a 371 of PCT/US04/08620 03/22/2004, which claims priority from 10/394,499 03/20/2003, which is a CIP of 09/991,398 11/20/2001 (now U.S. Patent No. 6,705,985), and a CIP of 10/351,699 01/01/2003, and a CIP of 10/351,682 01/27/2003, which claims the priority benefit of 60/326,124 09/28/2001."

**Early Publication Request: No**

**\*\* SMALL ENTITY \*\***

**Title**

Apparatus and method for ossicular fixation of implantable hearing aid actuator

**Preliminary Class**

600

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process simplifies the filing of patent applications on the same invention in member countries, but does not result in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The

date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, If a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In Re the Application of:**

### Group Art Unit

EASTER et al.

3. Emanzi

Serial No: PCT/US2004/008630

FIRST PRELIMINARY EDITION

Filing Date: 22 March 2004

3

Priority Date: 20 March 2003

3

Atty File No.: 45568-00543

10

For: "APPARATUS AND METHOD FOR OSSICULAR FIXATION OF IMPLANTABLE HEARING AID ACTUATOR"

EXP

EXPRESS MAIL NO. EVA380339871US

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir.

Prior to the initial review of the above-identified patent application by the Examiner, please enter the following Preliminary Amendment. Although Applicants do not believe that any fees are due based upon the filing of this Preliminary Amendment, please charge any such fees to Deposit Account No. 50-1419.

Please amend the above-identified patent application as follows:

AMENDMENTS TO THE SPECIFICATION

Before the "FIELD OF THE INVENTION", please insert the following paragraph:

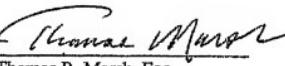
-- RELATED APPLICATIONS

This application is a national phase of PCT Application No. PCT/US2004/008620 filed on March 22, 2004, entitled "Apparatus and Method for Ossicular Fixation of Implantable Hearing Aid Actuator", which claims priority from U.S. Patent Application Serial No. 10/394,499, filed on March 20, 2003, entitled "Apparatus and Method for Ossicular Fixation of Implantable Hearing Aid Actuator", and is a continuation-in-part of U.S. Patent Application Serial No. 09/991,398, filed on November 20, 2001, (now U.S. Patent No. 6,705,985) entitled "Improved Apparatus And Method For Ossicular Fixation Of Implantable Hearing Aid Actuator", and a continuation-in-part of U.S. Patent Application Serial No. 10/351,699, filed on January 1, 2003, entitled "Implantable Hearing Aid Transducer With Advanceable Actuator To Facilitate Coupling With The Auditory System", and a continuation-in-part of U.S. Patent Application Serial No. 10/351,682, filed on January 27, 2003, entitled "Apparatus For Connection Of Auditory Devices To The Auditory System", which claims priority from U.S. Provisional Application Serial No. 60/326,124, filed on September 28, 2001, entitled "Apparatus and Method for Ossicular Fixation of Implantable Hearing Aid Actuator", all of which are incorporated herein by reference.--

Respectfully submitted,

MARSH FISCHMANN & BREYFOGLE LLP

By:

  
Thomas R. Marsh, Esq.  
Registration No. 31,039  
3151 South Vaughn Way, Suite 411  
Aurora, Colorado 80014  
(303) 338-0997

Date: September 16, 2005

Attorney: Thomas R. Marsh / tlm

Date: January 24, 2007

PTO Stamp indicates receipt of:

Patent Matter  Trademark Matter

Application Docket No. 45568-00542

Applicant: Easter et al.

Title: "APPARATUS AND METHOD FOR OSSICULAR FIXATION OF IMPLANTABLE HEARING AID ACTUATOR"

Serial No.: 10549,666

Filed Date: 03/22/04

**RECEIVED**

**FEB 05 2007**

LIST ALL DOCUMENTS BEING SENT TO PATENT OFFICE

- I. Request for Correction of Filing Receipt 07 PacMARSH FISCHMANN & BREYFOGLE LLP



LAP15 Receipt/PCT/PTO 30 JAN 2007